

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

By this response, the Applicants have amended Claims 1, 9, 11, 14, 15, and 16. Claims 2,3, 5-8, 10, 12, 13, 17, and 18 are canceled. New claims 19 and 20 are added herein.

The Applicants have submitted with this response an Abstract of the Disclosure as required by 37 C.F.R. 1.72(b) and submit that this objection is overcome.

The Examiner rejected Claims 1-18 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Applicants hereby amend claims 1, 9, 11 and 14-16, and canceled claims 7 and 8, 10, 12-13 and 17-18. In view of these amendments, the Applicants respectfully submit that this rejection is overcome.

Claims 1 and 3-18 stand rejected under 35 U.S.C. §102(a) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) stand rejected as obvious over Japanese Patent 2004-118161 (JP '161). Claims 1, 3-5, 7-12, and 14-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US 2004/0033428 A1 (Niimi '428), as evidenced by Kirk-Othmer, Encyclopedia of Chemical Technology, fourth edition, Vol. 15, page 21, lines 12-19 (Kirk-Othmer) and the ACS File Registry RN 26201-32-1, combined with Japanese Patent 2002-229236 (JP '236). Claims 6, 12, and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Niimi '428, as evidenced by Kirk-Othmer and the ACS File Registry RN 26201-32-1, combined with JP '236, as applied to claims 1, 7, and 8 above, further combined with Japanese Patent 10-123737 (JP '737). To the extent

that these rejections may be applied to the claims as amended herein, the Applicants respectfully traverse based on the points set forth below.

Regarding the rejection of claims 1 and 3-18 under 35 U.S.C. §102(a) as anticipated by, or in the alternative, under 35 U.S.C. §103(a) as obvious over Japanese Patent 2004-118161 (JP '161), which published on April 15, 2004, the Applicants provide herewith an accurate English translation of the original Japanese Application JP 2004-022753, filed January 30, 2004 to which this application claims priority. This English translation corresponds to the English translation of the PCT International specification filed July 25, 2006, which the Applicants note corresponds to the English translation of the priority specification in Japanese. The Applicants respectfully submit that, in view of the provided English translation, the filing date of January 30, 2004 to which this application claims priority, which predates the publication date of the cited JP '161, and the fact that this English translation supports claims 1 and 3-18, this rejection is overcome. Withdrawal of this rejection is respectfully requested.

With respect to the rejection of Claims 1, 3-5, 7-12 and 14-17 under 35 U.S.C. §103(a) as being unpatentable over US 2004/0033428 A1 (Niimi '428), as evidenced by Kirk-Othmer, Encyclopedia of Chemical Technology, fourth edition, Vol. 15., pg. 21, lines 12-19 (Kirk-Othmer) and the ACS file Registry RN 26201-32-1, combined with Japanese Patent 2002-220236 (JP '236), the Applicants respectfully submit that the Niimi '428 reference only discloses an undercoat layer, in example 8, having a thickness of 3.5  $\mu\text{m}$  and does not disclose or suggest a polyimide resin. The Applicants submit that JP '236 does not disclose or suggest a charge generation layer comprising oxytitanium phthalocyanine pigment showing a main diffraction peak at a Bragg angle ( $2\Theta \pm 0.2^\circ$ ) of  $27.3^\circ$ .

The Applicants have amended Claim 1 to have an undercoat thickness of 5.0  $\mu\text{m}$  - 50  $\mu\text{m}$  which is thicker than the undercoat layer in Niimi '478.

Furthermore, the Niimi reference does not disclose a two-layer structure for the undercoat layer, much less having an undercoat layer including a polyimide resin layer in addition to a layer comprising a thermosetting resin or a thermoplastic resin provided on the layer including the polyimide resin.

The Applicants respectfully submit that nothing in the applied references, considered alone or together, would have motivated one of ordinary skill in the art to combine the references, particularly in view of the fact that (1) Niimi '428 does not disclose a charge layer as claimed in Claim 1 and does not include a two layer undercoat layer with polyamide resin and (2) JP '236 does not include a charge inducing layer having oxytitanium phthalocyanine showing a main diffraction peak intensity at a Bragg angle ( $2\Theta \pm 0.2^\circ$ ) of  $27.3^\circ$ . Nothing in the references teaches or suggests or even hints at such a combination.

Therefore, the Applicants respectfully submit that amended Claim 1 and the claims depending therefrom are not obvious over the cited references, considered alone or together, as the Office Action is picking portions out of the prior art using the present invention as a roadmap and nothing is disclosed, suggested or taught in the combined references that such a combination would be possible or desirable.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

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